

JEFFERSON COUNTY PLANNING ZONING MAP AMENDMENT REPORT
TIMOTHY BOMPART AMENDMENT REQUEST
APRIL 5, 2022

To: Jefferson County Planning Board
From: LaDana Hintz, Jefferson County Planner

I. GENERAL INFORMATION

A. Project Description

This a report to the Jefferson County Planning Board and Board of Commissioners regarding a request by Timothy Bompert for 280-acres of property located within the Basic Resource Zone of the North Jefferson Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *Basic Resource (Minimum of 160-acre lots)* to *R-3 (1 dwelling unit on 5-10 acres)*.

B. Applicant Information

Property Owner	Representative
Timothy L. Bompert 9520 63 rd Road Ste M Rego Park, New York, 11374-1145	Tony J. Prothero, PE 1093 Helena Ave Helena, MT 59601

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Jefferson County Clerk and Recorder's Annex located in the City of Boulder. These documents shall include the boundaries of the proposed zoning map amendment, the general character of the proposed zoning map amendment, and the date and time of the public hearing. In addition, the proposed zoning map amendment will be posted for not less than 45 days before the Commissioner's public hearing, in at least 5 public places.

1. Planning Board

The Jefferson County Planning Board will conduct a public hearing on the proposed zoning map amendment on April 14, 2022, at 6:00 P.M. at the Montana City Fire Department in Montana City. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

2. Commission

In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment on April 26, 2022, at 6:00 PM at the Montana City Fire Department in Montana City. At that public hearing, the Commissioners shall provide the public a chance to be heard and must review the recommendation from the Planning Board and make any revisions or amendments deemed proper based upon the public comments received. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection at the Jefferson County Clerk and Recorder's Annex located in the City of Boulder.

The Commissioners may pass a resolution of intent. If the Commissioners pass a resolution of intent to adopt the zoning map amendment, notice of passage of resolution shall be published once a week for 2 weeks in the Helena Independent Record and the Boulder Monitor. The notice will provide the boundaries of the zoning map amendment and the general character of the proposed zoning map amendment. Documents pertaining to the zoning map amendment will be available for public inspection in the Jefferson County Clerk and Recorder's Annex located in the City of Boulder.

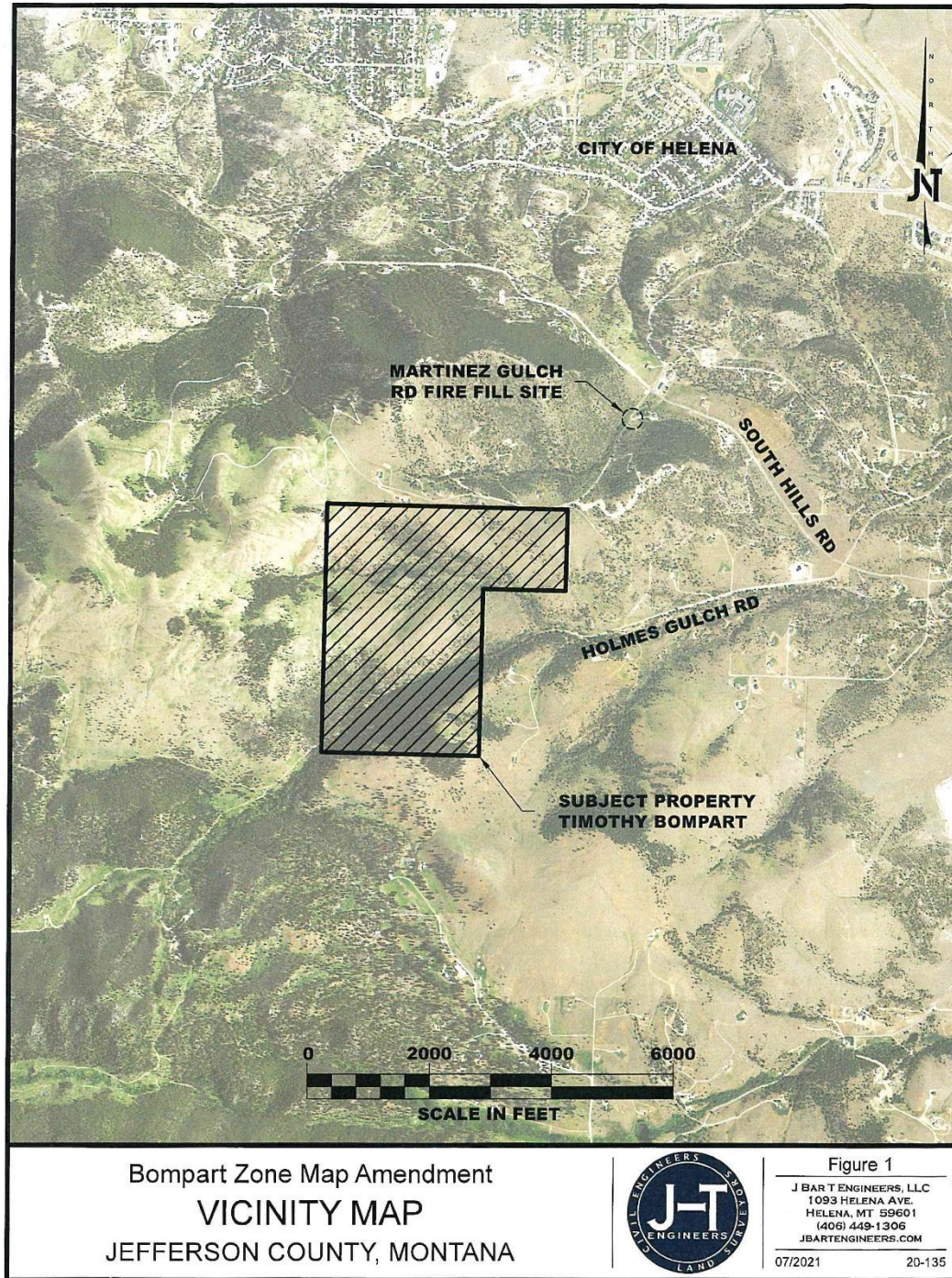
For 30 days after the first notice of publication, the Commissioners shall receive written public comments on the proposed zoning map amendment. Within 30 days after the expiration of the comment period, the Commissioners may, in their discretion, adopt a resolution accepting the zoning map amendment.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located at the upper end of Holmes Gulch Road (see Figure 1 below) and is approximately 280 acres in size. The properties are legally described as:

Geocode	Legal Description	Area (acres)
51-1785-08-1-01-01-0000	S08, T09 N, R03 W NE4NE4, W2NE4, E2NW4, NE4SW4, NW4SE4	280



B. General Character of and Reason for Amendment

The subject property is located along Holmes Gulch Road. The property consists of steep slopes, benches and is vegetated with a mix of grass, shrubs and scattered trees. There is no development currently located on the property. Holmes Gulch Road passes through the southern 1/3 of the property from northeast to southwest. Site photos are included in attached Exhibit B.

The application states:

"The parcel is presently zoned Basic Resources (mapping unit Basic Resource). The total area of the subject property is 280 acres which represents approximately 9% of the total area of zone mapping unit

Basic Resource. The proposed ZMA is to change the zoning designation of the subject property to R- 3 which would represent an approximate 17% increase in the total area of adjoining mapping unit R-3. The purpose of the proposed ZMA is to allow the subject property to be developed into smaller, more manageable homesites with a maximum density of one dwelling unit per 5-10 acres.

Key Issues. The main issues regarding development in this area are

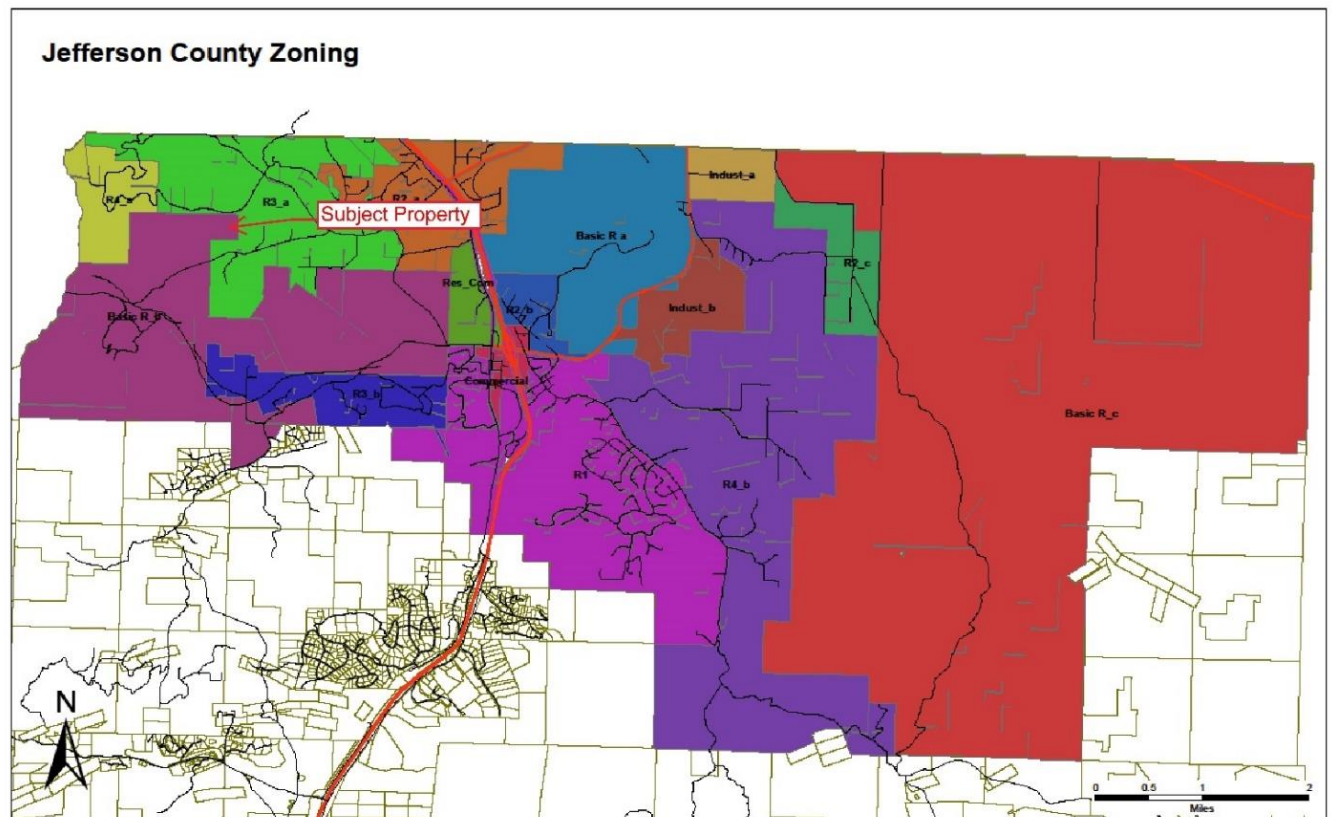
- a) Access;*
- b) Fire protection;*
- c) Water availability;*
- d) Septic system suitability; and*
- e) Slope.*

Mitigation of these key issues would occur via future subdivision application(s). Note that the proposed ZMA does not guarantee that the entire subject property would be fully developed to the maximum allowable density in R- 3; it simply allows for development to occur in a manner that is consistent with the adjacent areas and at a reasonable density for homesites, but not at a density greater than one dwelling unit per 5- 10 acres.”

C. Character of the Overall Zoning District

The property is located in the North Jefferson County Zoning District. The character of the zoning district in the vicinity of the subject property varies from large lot resource/agricultural and higher density residential to residential/commercial uses. The following is a list of the zoning designations adjacent to the subject property:

- R-3 1 dwelling unit/5.0 acres to 10.0-acre lot size
- R-4 1 dwelling unit/10.0 acres to 22.0-acre lot size
- Basic Resource: 160 acres or greater lot size



It is important to mention that other zoning districts such as the Conserved Spaces (lots 40-acres or greater) and R-5 areas (lots 10 to 20 acres) are identified in the current zoning regulations. While these areas do not currently exist on the zoning map they are designated in the regulation. Thus, these zoning designations would be a possible option besides R-3 zoning. It also indicates that when the original regulations were developed there were potential options for amending the Basic Resource districts without creating smaller lots and creating significant impacts.

D. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Montana City School and Jefferson County High School Districts
Fire:	Montana City Fire District
Police:	Jefferson County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies in March of 2022:

- Montana City Fire District
- Montana FWP
- County Schools
- County Road Department
- County Sanitarian
- County DES Coordinator

2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Montana Department of Fish, Wildlife and Parks (See Exhibit A)

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within one (1) mile of the subject property on March 23, 2022. Legal notice of the Planning Board public hearing on this application was published in the April 6th and April 13th editions of the Boulder Monitor and the Helena Independent Record.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Boulder Monitor and the Helena Independent Record. All methods of public notice will include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Jefferson County Commissioners on the requested zoning map amendment.

2. As of the date of the completion of this staff report, **no public comments** have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning

Board public hearing scheduled for April 14, 2022, and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.6 of the North Jefferson County Zoning Regulations and per the requirements of Title 76, Chapter 2 and Part 2 of the MCA. The criteria for reviewing zoning amendments are found in 76-2-203 M.C.A.

A. Build-Out Analysis

A simple build-out analysis has been performed to examine the maximum potential impacts of full build-out of those uses. This build-out analysis has been done to determine the at maximum densities. Build-out analyses is not meant to be a best- or worst-case scenarios. The existing zoning requires a minimum lot area of 160 acres. The subject property totals 280 acres, no additional lots could be created on the subject property under the existing Basic Resource designation. The proposed zoning amendment would allow a minimum lot area of five acres and a maximum of 10-acres. Using a five-acre density, approximately fifty-six (56) additional lots could be created through subdivision review assuming the density proposed was maximized to the full extent. If a 10 acres density were proposed, approximately twenty-eight (28) could be created through subdivision review. Due to topography, the reality is that any future subdivision would likely contain a mix of lots sizes in order to provide access, building sites and locations for septic systems and wells. The estimates above do not include land consumed for necessary infrastructure such as roads.

The requested zone change has the potential to increase density through future subdivision applications. The bulk and dimensional requirements (setbacks) are similar, but the amendment would reduce the number of permitted uses and conditional uses.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A.)

1. Whether the proposed map amendment is made in accordance with the County Growth Policy.

The Jefferson County Growth Policy (The Policy) serves as a localized planning tool for all of Jefferson County. The current Policy was adopted in 2009 and provides very general guidance on future development and land use decisions in the County. Section 76-2-203 MCA states that "Zoning regulations must be: (a) made in accordance with the growth policy;")

Pages 36 and 37 of the Policy state the following under Future Land Use and Development:

"Identify basic resource areas subject to development and use constraints including public ownership, steep slope, flood susceptibility, poor access, and lack of potable water supply and/or fire suppression capability to discourage development in identified areas."

Basic Resources-Intent: To protect these areas for agriculture, timber and mineral resource utilization, but not to exclude other types of development.

Basic Resources with Development Constraints-Intent: To identify basic resource

areas subject to development and use constraints including public ownership, steep slope, flood susceptibility, poor access, lack of potable water supply and/or fire suppression capability.”

The subject property is comprised of steep slopes, has a high to severe fire hazard rating, significant access issues and a lack of water supply for fire suppression capability.

Finding #1: The proposed zoning map amendment from Basic Resource to an R-3 zoning designation is not supported by the text, goals and policies in the Growth Policy based upon the recommendations in the Future Land Use and Development section on pages 36 and 37 that discuss the purpose of Basic Resource Areas in the County.

Finding#2: The proposed zoning map amendment from Basic Resource to R-3 zoning designation is not supported by any language in the Growth Policy that specifically discusses the potential amendment of the North Jefferson County Zoning District Regulations or map.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the Montana City Fire District and the nearest fire station in the district is located approximately 4.5 road miles from the property. The Montana City Fire Department would respond in the event of a fire or medical emergency. The Montana City Fire Department did not provide comment on this proposal.

The subject property is located in the Wildland Urban Interface (WUI) and is designated as having a high to severe hazard for wildfire according to the Tri-County Regional Community Wildfire Protection Plan due to steep topography and vegetation. According to the Jefferson County Growth Policy, “The WUI is defined as: “Borders of forest and/or woodland areas being settled by people desiring to live in rural, wooded settings.”

Based upon a simple slope analysis, the slopes on the subject property range from relatively level to over 40 percent depending upon location. Vegetation on the property consists of trees, shrubs and grasses. It is important to note that the subject property was the site of the 2017 Holmes Gulch Fire and the remnants of burned trees are located all over the southeastern portion of the property.

The property is accessed in the southern third by Holmes Gulch Road, which is a County Road. The road is currently a dead-end road with no secondary emergency ingress or egress. In addition, it appears that Holmes Gulch Road does not meet County Road standards for construction and width and the width of the County’s Road easement/right of way is unknown.

Finding #3: The proposed map amendment would not secure safety from fire and other dangers because it would allow for a significant number of additional houses in the WUI, contains steep slopes, a variety of vegetation types, has experienced previous wildfire and has poor road access and questions regarding the existence and/or width of road easements/right of ways.

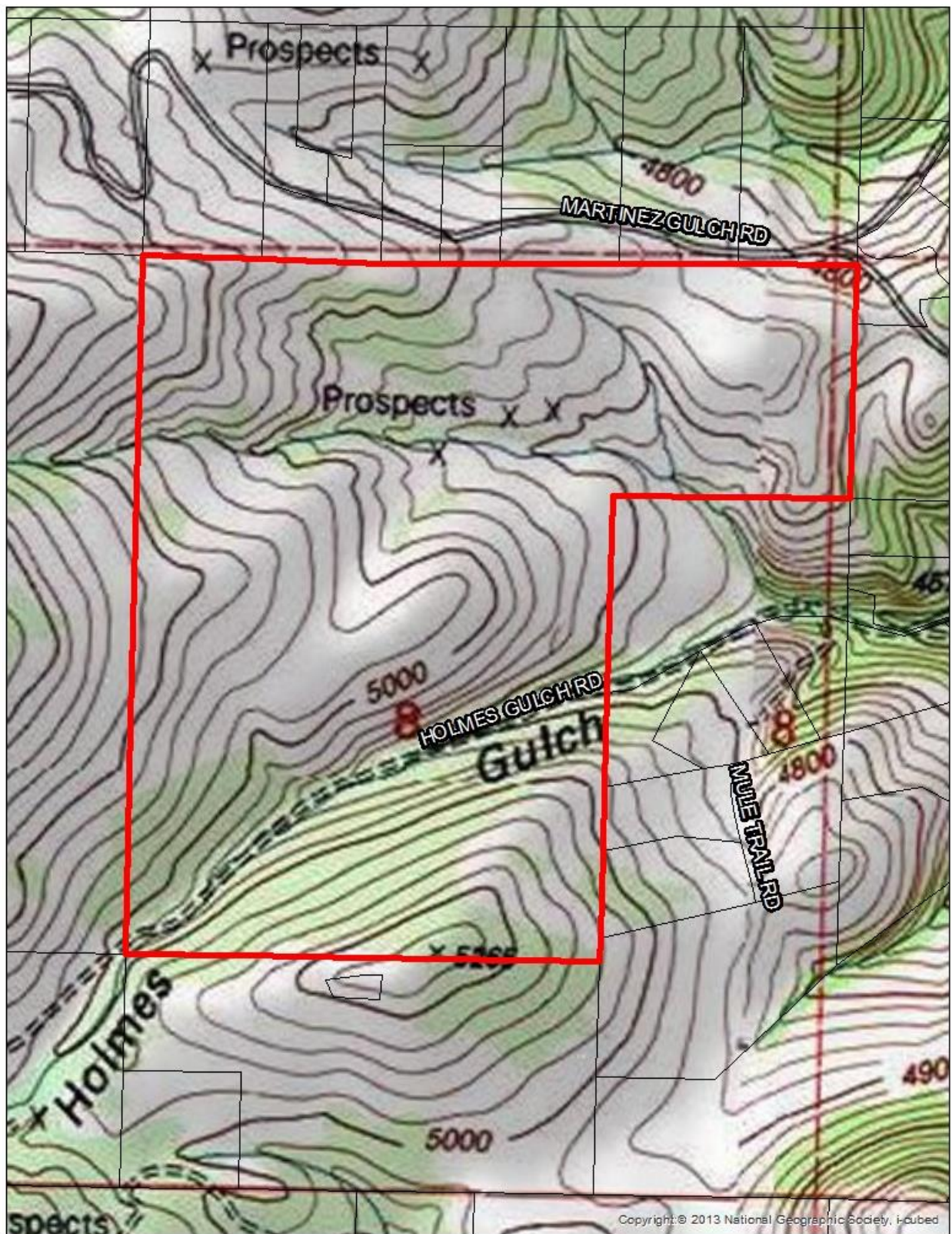
b. Promote public health, public safety, and general welfare;

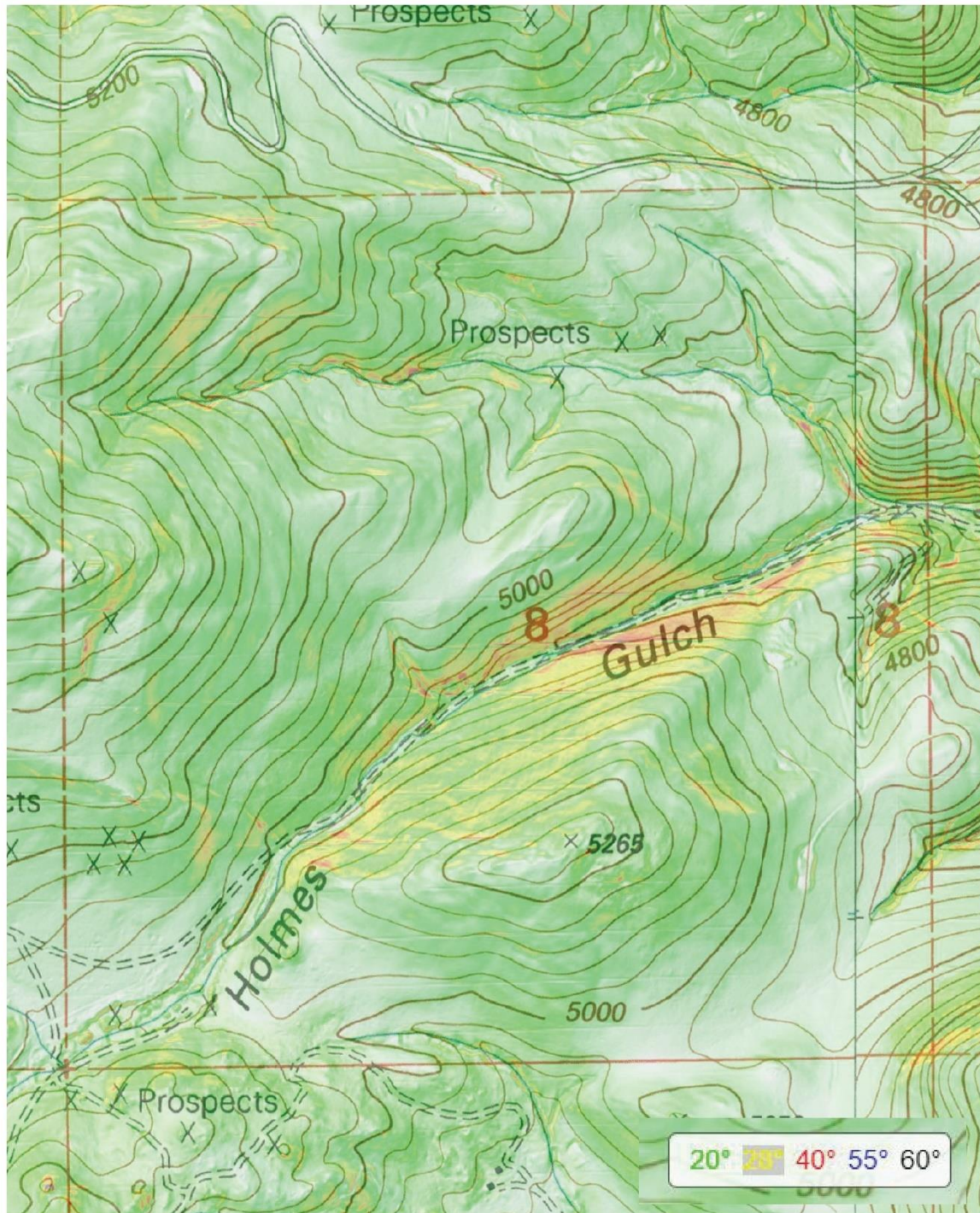
The subject property is located within the Montana City Fire District and the nearest fire station in the district is located approximately 4.5 miles from the property. The Montana City Fire Department would respond in the event of a fire or medical emergency and the Jefferson County Sheriff’s Department provides police services to the subject property.

Emergency service providers can anticipate more emergency calls based on the proposed density

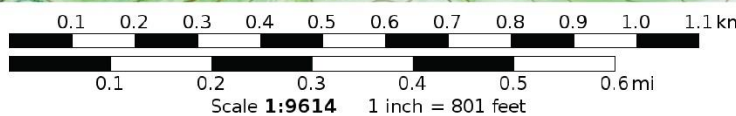
and additional residential uses. The R-3 zoning classification would allow for a significantly higher residential density than what currently exists in the area and what is currently allowed under the Basic Resource (160-acre minimum) designation. Therefore, the zone change is anticipated to adversely impact public health, safety or welfare.

The property in question has significant topographic constraints for the construction of roads and stormwater management due to steep slopes. This situation would require significant cut and fill on slopes in order to construct any future subdivision roads and potentially for building sites. In

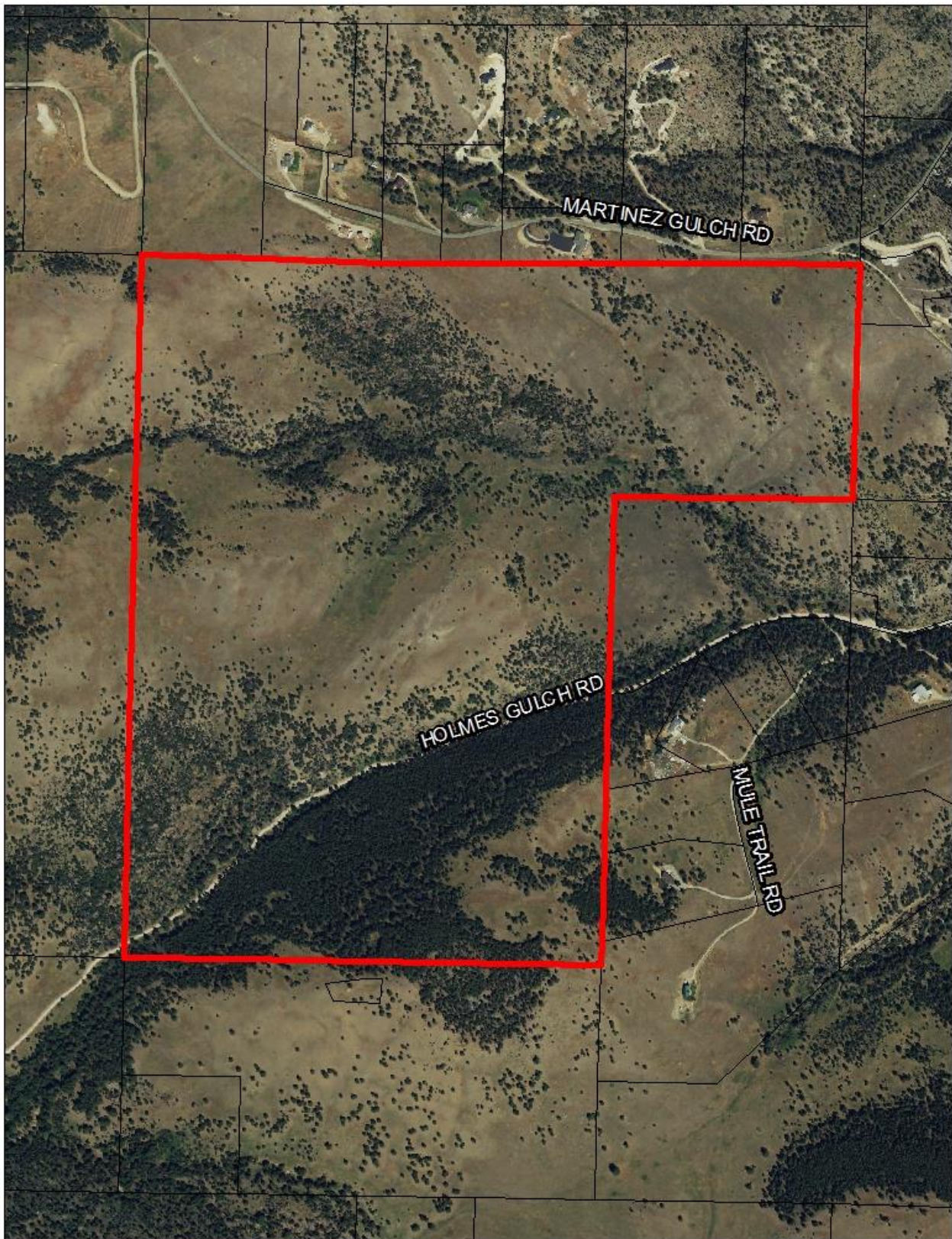




Slope Angle
WGS84
UTM Zone 12T
 CALTOPO



MN
12.1°



addition it will require significant construction work to address stormwater generated on the property.

Based upon a site visit by staff, the subject property experiences significant use by wintering elk year after year. Staff identified tracks, recent and historic droppings along with recent rubs by bull elk. In addition, MT FWP submitted comments on the proposal. A portion of the FWP's comments state:

"The project location is within functional and highly utilized elk winter range. Winter range is critically important to ungulates, and the Bompert property is one of the remaining parcels of intact and undeveloped land in the area. Elk are using this area, and FWP observed 331 elk on the Bompert property during the winter survey in January 2022.

There are 100 to over 300 elk that use the Bompert parcel, adjacent property, and surrounding area during winter. Our records document elk use from at least 2002 through winter 2021-2022. This area is of great importance to elk during winter. FWP recommends that any surface disturbance occur outside the critical time period of December 1- May 15. Continued loss of winter range or disturbance during the winter is not only detrimental to elk, but also likely to result in more human-wildlife (elk) conflicts in this area."

See Exhibit A for all of MT FWP's comments.

Finding #4: The proposed zoning map amendment would have a negative impact on public health, safety and general welfare because: the property is served by the Montana City Fire Department, Jefferson County Sheriff, future development would not be similar to uses already allowed in the current Basic Resource zoning designation, and emergency service providers could anticipate an increase in emergency service calls based on the proposed uses and density; the property has significant constraints for the construction of road and management of stormwater and the property is obviously significant habitat for wildlife such as elk.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The property is accessed in the southern third by Holmes Gulch Road, which is a County Road. The road is currently a dead-end road with no secondary emergency ingress or egress. In addition, it appears that Holmes Gulch Road does not meet County Road standards for construction and width and the width of the County's Road easement/right of way is unknown.

Holmes Gulch Road is a County Road and no traffic counts are available for the road. Approximately 16 existing homes are accessed from Holmes Gulch Road west of the intersection of South Hills Road. There at least a half a dozen vacant properties located between the subject property and the intersection of Holmes Gulch Road and South Hills Road.

Staff calculated estimated average daily traffic (ADT) for the maximum build out on the property and the minimum build out for the proposed zoning amendment. This was done using a standard trip generation of 8 trips per single family dwelling. With 5-acres lots, an estimated 56 additional dwellings on the subject property the proposal have the potential to increase traffic by 448 vehicle trips per day. With 10-acre lots, an estimated 28 lots on the subject property, the proposal has the potential to increase traffic by 224 vehicle trips per day.

Any future subdivision of the property could generate enough traffic that Holmes Gulch Road or other roads used to access the property would not only need to be completely reconstructed to County Road standards but would also need to be paved with asphalt.

The applicant has stated that any future subdivision of the property would be serviced by individual sewer and water systems. The applicant would be required to obtain review and approval from the Montana Department of Environmental Quality to develop an on-site well and sewer systems to meet the needs of any future subdivision. Jefferson County Sanitarian did not provide comment on the proposal.

While the subject property is located within the Montana City School District and Jefferson High School District, neither school district provided comments on this proposal. The Montana City School has seen an increase of 13% in student enrollment since the 2011-2012 school year. The Jefferson High School District has increased in student enrollment between 2010 and 2020.

According to the 2019 Jefferson High School District Demographic Study, there are 5,042 housing units in Jefferson County. The study states there are 16,758 students enrolled in public, private and home schools. The total students (16,758) divided by the total households (49,531) equals approximately 0.49 students per household. Therefore, 56 5-acre lots could generate approximately 27 additional school age children and 28 10-acre lots could generate approximately 13 additional school age children. It is anticipated that the school system would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The zoning map amendment would change the current 160-acre minimum lot size to a 5-acre minimum lot size, it is anticipated subsequent future subdivision of the property would involve at the creation of lots larger than 5-acres in size in order to avoid the need to provide a parkland dedication per the state subdivision statute.

Finding #5: The proposed zoning map amendment would not facilitate the adequate provision of transportation because the existing road infrastructure appears to be significantly inadequate to accommodate the change in zoning, and the traffic generated from this proposal could range from approximately 448 to 224 average daily trips. In addition, there are unanswered questions regarding the existence and/or width of road easements/right of ways for both Holmes Gulch Road and Martinez Gulch Road.

Finding #6: The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal will generate minimal school age children and parkland dedication would likely not be required for any future subdivision of the property under the proposed zoning amendment.

d. In evaluating the proposed map amendment, consideration shall be given to:

i. The reasonable provision of adequate light and air;

Any additional lots created, or structures constructed would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot area requirements of the R-3 zoning classification. The maximum building height within the proposed R-3 zone is 35 feet and the maximum building height of the existing Basic Resource zone is 35 feet. The minimum lot area for R-3 is 5 acres and the minimum lot area for the existing Basic Resource is 160 acres. The subject property totals 280 acres, zero additional lots could be created under the existing zoning.

The proposed zoning would allow for approximately 56 additional lots to be created at 5 acres and 28 lots created at 10-acres.

The setback requirements within the current Basic Resource zoning require a 20-foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and from the rear and side for accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20-foot setback is required from county roads and their easements.

The setback requirements within the R-3 zoning require a 20-foot setback from front, 15 feet from the rear, and 10 feet side boundary line for principal structures and identical setbacks for accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20-foot setback is required from county roads and their easements.

The bulk and dimensional requirements for the R-3 designation would provide for a reasonable provision of light and air.

Finding #7: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed R-3 designation.

a. The effect on motorized and non-motorized transportation systems;

The property is accessed in the southern third by Holmes Gulch Road, which is a County Road. The road is currently a dead-end road with no secondary emergency ingress or egress. In addition, it appears that Holmes Gulch Road does not meet County Road standards for construction and width and the width of the County's Road easement/right of way is unknown.

Holmes Gulch Road is a County Road, and the County has no traffic counts available for the road. Approximately 16 existing homes are accessed from Holmes Gulch Road west of the intersection of South Hills Road. There at least a half a dozen vacant properties located between the subject property and the intersection of Holmes Gulch Road and South Hills Road.

Staff calculated estimated average daily traffic (ADT) for the maximum build out on the property and the minimum build out for the proposed zoning amendment. This was done using a standard trip generation of 8 trips per single family dwelling. With 5-acres lots, an estimated 56 additional dwellings on the subject property the proposal have the potential to increase traffic by 448 vehicle trips per day. With 10-acre lots, an estimated 28 lots on the subject property, the proposal has the potential to increase traffic by 224 vehicle trips per day.

Any future subdivision of the property could generate enough traffic that Holmes Gulch Road or other roads used to access the property would not only be completely reconstructed to County Road standards but would need to be paved with asphalt.

There are no existing bike/pedestrian facilities currently located along Holmes Gulch Road and there is currently no space along the road to safely provide such facilities.

Finding #8: Effects on motorized and non-motorized transportation systems would be negative because the existing infrastructure appears to be significantly inadequate to accommodate the change in zoning, and the traffic generated from this proposal could range from approximately 448 to 224 average daily trips. In addition, there are unanswered questions regarding the existence and/or width of road easements/right of ways for both Holmes Gulch Road and

Martinez Gulch Road. The proposed change would not have an impact on the bicycle/pedestrian trails in the county.

b. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The City of Helena an incorporated municipality, is located approximately 1.0 miles north of the subject property, and the proposed zoning map amendment appears compatible with suburban growth of the periphery of the City of Helena. Due to topography between the subject property and the City, and the lack of an interconnected road network the proposed zoning amendment should have a minimal impact upon the urban growth area of Helena. The City of Helena's Area Future Land Use Map identified the area between the subject property and the City limits as meant for rural uses.

Finding #9: The proposed zoning map amendment would be compatible with current urban growth in the City of Helena area because the proposed R-3 zoning is similar to the rural land uses identified on the City of Helena's Area Future Land Use Map along the south-central border of the City.

c. The character of the district(s) and its peculiar suitability for particular uses; The character of the district and its peculiar suitability for particular uses can best be addressed using the "three-part test" established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e., Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

i. *The requested use differs significantly from the prevailing use in the area.*

The intent of the existing 'Basic Resource' zone is to:

1. Recognize that agricultural products, timber, minerals, and mined materials are valuable resources within Jefferson County and that the production, extraction and processing of these basic resources is beneficial to the economy of the county and the welfare of the people;
2. Protect and preserve relatively undeveloped lands for the performance of a wide range of agricultural, timber, mineral, and recreational functions;
3. Encourage the utilization of basic resources in an environmentally responsible and safe manner, and in a manner compatible with other land use in the area;
4. Plan and provide for community health and safety; and
5. Protect basic resource zones from encroachment by incompatible uses including but not limited to residential development.

The purpose of the proposed 'R-3' zone is to:

1. Encourage well planned residential development with a dwelling density less than 1 dwelling unit per 5.0 acres to less than 10.0 acres in reasonable proximity to basic public services;
2. Provide for substantial open space and generally preserve the view-shed;
3. Provide for a planned roadway system including adequate access for emergency response services;
4. Plan and provide for community health and safety;

5. Maintain community character;
6. Retain and augment community amenities; and
7. Protect and preserve environmental quality.

The proposed R-3 zoning designation would allow for the identical uses as the adjacent R-3 zoning located to the east. The main difference between the existing and proposed zoning is minimum lot area, in the existing Basic Resource zoning the minimum lot area is 160 acres while the proposed R-3 zone has a 5-acre minimum lot area. In addition, the R-3 zoning allows less permitted uses and conditional uses than the Basic Resource zoning.

The character of the Basic Resource zoning district in this area is widely scattered and limited rural residential uses, steep mountains that are heavily forested and having limited agricultural or forestry activities. The adjacent properties are either vacant or used for single family residence. The lands adjacent to the subject property are either vacant or used for single family. The following are the uses and sizes of adjacent properties per the Montana Department of Revenue's Cadastral System:

Adjacent Residential Lots by Size:

- Four (4) lots between 20 and 24 acres
- One (1) lot 8+ acres
- Five (5) five acre lots

Adjacent Vacant Lots by Size

- One (1) lot over 100 acres
- One (1) lot 69+ acres
- One (1) lot 43+ acres
- One (1) lot 26+ acres
- One (1) lot 20+ acres
- One (1) lot 6+ acres
- One (1) lot 5+ acres

The proposed zoning map amendment, if approved, would allow for uses that are typical of suburban/agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and existing on surrounding properties.

ii. ***The zoning applies to a small area in terms of the number of landowners benefitted.***

The minimum lot size for the Basic Resource zoning designation is 160-acres and the entire Basic Resource Zone located east of Interstate 15 is approximately 3,435-acres in size. The size of the parcel proposed to be re-zoned is 280 acres which is approximately 8 percent of the total area of the Basic Resource Zone.

iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The subject property is currently owned by a single landowner and appears to only benefit this property owner. There are seventeen (17) adjacent property owners that would be affected by

this rezone. These affected property owners include those owning residential and vacant lots. See the list of property sizes and uses in subsection (i) above.

The zoning map amendment would allow uses that are similar to the adjacent R-3 and R-4 districts. The lot sizes and uses allowed under the R-3 zoning designation are much more intense than permitted under the existing Basic Resource zoning. Based upon the simple build out analysis provided earlier in the staff report proposed zoning would allow for approximately 56 additional lots to be created at 5 acres and 28 lots created at 10-acres.

Finding #10: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the neighborhood to the properties to the east and north.

d. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The adjacent properties to the north are generally developed with single family residence. The uses allowed within the proposed R-3 zone are identical to what is permitted and what currently exists in the R-3 designations to the north and east. Allowing the requested zoning amendment on the subject property could conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.

Finding #11: This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the R-3 designation allows for identical uses to the surrounding R-3 designation.

i. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The nearest incorporated city is the City of Helena which is located approximately 1.0 mile north of the subject property. Because of the distance between the property and the City and the existing land uses between the two, the proposal would have no impact on compatibility of zoning ordinances of nearby municipalities.

Finding #12: The proposed map amendment will not impact the compatibility of zoning ordinances of the City of Helena because it is located approximately 1.0 mile north of the subject property.

e. SUMMARY OF FINDINGS

#1: The proposed zoning map amendment from Basic Resource to an R-3 zoning designation is not supported by the text, goals and policies in the Growth Policy based upon the recommendations in the Future Land Use and Development section on pages 36 and 37 that discuss the purpose of Basic Resource Areas in the County.

#2: The proposed zoning map amendment from Basic Resource to R-3 zoning designation is not supported by any language in the Growth Policy that specifically discusses the potential amendment of the North Jefferson County Zoning District Regulations or map.

#3: The proposed map amendment would not secure safety from fire and other dangers because it would allow for a significant number of additional houses in the WUI, contains steep slopes, a

variety of vegetation types, has experienced previous wildfire and has poor road access and questions regarding the existence and/or width of road easements/right of ways.

#4: The proposed zoning map amendment would have a negative impact on public health, safety and general welfare because: the property is served by the Montana City Fire Department, Jefferson County Sheriff, future development would not be similar to uses already allowed in the current Basic Resource zoning designation, and emergency service providers could anticipate an increase in emergency service calls based on the proposed uses and density; the property has significant constraints for the construction of roads and management of stormwater and the property is obviously significant habitat for wildlife such as elk, which was verified based upon comments from MT FWP.

#5: The proposed zoning map amendment would not facilitate the adequate provision of transportation because the existing road infrastructure appears to be significantly inadequate to accommodate the change in zoning, and the traffic generated from this proposal could range from approximately 448 to 224 average daily trips. In addition, there are unanswered questions regarding the existence and/or width of road easements/right of ways for both Holmes Gulch Road and Martinez Gulch Road.

#6: The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal will generate minimal school age children and parkland dedication would likely not be required for any future subdivision of the property under the proposed zoning amendment.

#7: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed R-3 designation.

#8: Effects on motorized and non-motorized transportation systems would be negative because the existing infrastructure appears to be significantly inadequate to accommodate the change in zoning, and the traffic generated from this proposal could range from approximately 448 to 224 average daily trips. In addition, there are unanswered questions regarding the existence and/or width of road easements/right of ways for both Holmes Gulch Road and Martinez Gulch Road. The proposed change would not have an impact on the bicycle/pedestrian trails in the county.

#9: The proposed zoning map amendment would be compatible with current urban growth in the City of Helena area because the proposed R-3 zoning is similar to the rural land uses identified on the City of Helena's Area Future Land Use Map along the south-central border of the City.

#10: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the neighborhood to the properties to the east and north.

#11: This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the R-3 designation allows for identical uses to the surrounding R-3 designation.

Finding #12: The proposed map amendment will not impact the compatibility of zoning ordinances of the City of Helena because it is located approximately 1.0 mile north of the subject property.

f. CONCLUSION

Per Section 2.6 of the North Jefferson County Zoning Regulations, a review and evaluation of the proposed zoning map amendment was compared to the review criteria identified in Section 2.6 of the Regulations and in 76-2-203, MCA. County Planning Staff has found that the proposal does not comply with a majority of the review criteria, based upon the Findings of Fact presented above. Therefore, the County Planning Staff recommends that the proposed amendment be denied.

EXHIBIT A: AGENCY COMMENTS

EXHIBIT B: SITE PHOTOS























